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Delhi High Court Calls for Regulation of Patent and Trademark Agents

By Siddhant Parvat

In early September, the Delhi High Court, while passing a judgement in the case, *Saurav Chaudhary v Union Of India & Anr.*, emphasised the need to regulate or supervise the functioning of patent and trademark agents (agents) in India. This emphasis came in light of a writ petition filed by the petitioner, Saurav Chaudhary, challenging the abandonment of his patent application and praying for its restoration. The subject patent application was being handled by a firm in Delhi, and the agent was allegedly non-responsive after filing Request for Examination (RFE), despite multiple reminders sent to enquire about the status of the patent application. Subsequently, the application was deemed to be abandoned due to non-filing of a response to the First Examination Report (FER).

Noting that the entire case hinges upon various emails sent by the petitioner to his patent agent, the Court directed one of the patent agents of the

firm to submit an affidavit stating all the facts and correspondence held with the petitioner after filing of the patent application.

Highlighting the responsibility of the 'agents' of adhering to deadlines and attending to the matters diligently, the Court reflected that a supervisory or regulatory authority over the 'agents' is the need of the hour. Towards this, the Court directed the Central Government Standing Counsel (CGSC) to obtain instructions from the office of Controller General of Patent, Design and Trademark (CGPD TM) in order to monitor, regulate and supervise the functioning of the 'agents'.

With this, the Court took one step ahead towards building a robust mechanism for regulating the functioning of the Indian Patent Office. It will be interesting to see the reply from the office of CGPD TM on next date of hearing.